
Detlev Vagts and the Harvard Law School

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When we think of people who form the foundation of august educational institutions, such as Harvard Law School, our attention, understandably, turns first to official leadership and others very much in the public eye. That ought not to obscure the immense and varied contribution that Detlev Vagts, notwithstanding his characteristic and heartfelt modesty, has made to the life of his law school over the past half-century.

From his initial appointment to the Harvard Law School faculty in 1959 through his two-decade-long tenure (1984–2005) as holder of the Bemis Professorship (Harvard's earliest in international law and a position in which he took great pride), Detlev has been someone who instinctively and imaginatively cut across existing boundaries – disciplinary, national and other – long before that became as fashionable as it now is. That willingness to defy convention, albeit in a mannered fashion, took many forms, but perhaps the most noteworthy involved the development and launching of several courses that greatly enriched the Harvard curriculum and helped cement the School's reputation for innovation in international legal studies during the second half of the twentieth century. Two, in particular, stand out.

Together with his friend and colleague Henry Steiner, Detlev in the late 1960s seized upon the challenge posed by Philip Jessup in his celebrated 1956 Storrs Lectures to devise a pioneering course that they entitled 'Transnational Legal Problems', which both discerned patterns of legal interaction across jurisdictional lines that did not fit neatly into the existing fields of public and private international law, and that engaged learning from beyond the law itself to illuminate these patterns. (For more on the transnational legal problems project, please see Steiner's chapter 2 in this volume.) By the 1970s, it had become a hallmark for Harvard's legions of students interested in the larger world and a national resource via a casebook by the same name that was widely

adopted throughout the United States (and that for its fourth edition added as co-author Harold Hongju Koh, subsequently US Assistant Secretary of State for Democracy, Human Rights and Labor; Dean of Yale Law School, and now Legal Adviser, US Department of State).

A second major contribution of Detlev to the Harvard curriculum has concerned the role of the legal profession in a global setting. At a time when international law courses did not address professional responsibility issues, and professional responsibility courses did not address international issues, Detlev, with customary foresight, understood how vital and how vexing this area would be. The result was a prescient course on the legal profession in a transborder setting and a set of course materials drawn from multiple jurisdictions and informed by his keen understanding of the businesses, governments and people with whom lawyers work.

Nor were these his only innovative contributions to the Harvard Law School curriculum. As early as 1962, Detlev was teaching a seminar entitled 'International Aspects of the Corporation', and even as he moved toward retirement in the early years of the twenty-first century, he continued to offer a course on 'Transnational Business Problems' that eventuated in the well-regarded casebook by the same name, co-authored with William Dodge and Harold Koh.

Detlev's crossing of boundaries took a variety of other forms – again to the great benefit of his School. As several other chapters in this volume will demonstrate, through the reach of his scholarship internationally, his editorship of the *AJIL*, his service as Counselor on international law in the US Department of State and his role as lecturer and arbitrator across the world, Detlev enhanced Harvard's reputation immeasurably. Closer to home, along with Arthur von Mehren and Peter Murray, he was central to the Law School's engagement with Germany, both through his thoughtful scholarship and through his many links to academics in his father's native land. And yet closer to home, for years, Detlev served as the Law School's bridge to a world some denizens of the 02138 zip code might describe as even more foreign – namely, the Harvard Business School.

His accomplishments on these broader stages and the concomitant demands on his time notwithstanding, Detlev has always been and still is unqualifiedly generous with his time for colleagues (senior and junior alike), students and visitors, particularly from abroad. To this day, Detlev remains my most faithful informant about China, my principal area of specialisation, at least weekly sending me clippings from a wide range of

publications, such as *Science* and *Scientific American*, lest I miss an important new development. He remains a regular and valuable participant in faculty workshops, routinely finding constructive ways in which to offer younger colleagues wise advice. When a gap arose in the leadership of the Law School's International Tax Program following the retirement of its extraordinary leader, Oliver Oldman, Detlev unselfishly stepped in to head it for two years, rather than leave its fellows, most from developing nations, in the lurch. As busy as he was, he always found time for the large numbers of students he guided through doctoral dissertations, LLM theses and other papers (several of whom have achieved positions of prominence themselves) and to advise the *Harvard International Law Journal* and other student activities concerning matters international. It is no surprise that he retains the gratitude of so many students, not only for his immense learning but his genuine kindness, and that invitations to participate in this *Festschrift* were so readily accepted.

The Law School and its students are fortunate for Detlev Vagts' presence for so many years and I congratulate him on this volume in his honour, in which it has been a privilege to participate.